

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

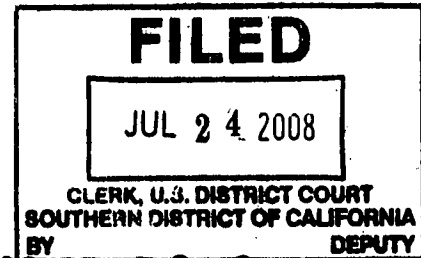
**LAWRENCE K. BAERMAN**  
Clerk

**JOHN M. DOMURAD**  
Chief Deputy



July 22, 2008

James M. Hanley Federal Building  
P.O. Box 7367, 100 S. Clinton St.  
Syracuse, New York 13261-7367  
(315) 234-8500



**08 CR 7039 IEG**

Clerk of the Court  
United States District Court  
Southern District of California  
880 Front Street, Suite 4290  
San Diego, CA 92101-8900

Re: USA v. David Schulken  
NDNY Case #: 5:04-CR-254 (NAM).

Dear Clerk:

Please be advised that pursuant to the Transfer of Jurisdiction Order issued in this action, the above referenced action is hereby transferred to the Southern District of California for jurisdiction over this defendant on supervised release. Enclosed please find the original Transfer Order, and certified copies of the Indictment, Judgment and Docket Sheet.

Please acknowledge receipt of this transfer by returning a date stamped copy of this letter in the enclosed, self-addressed envelope.

Respectfully,

Lawrence K. Baerman, Clerk

s/

Lori M. Welch, Deputy Clerk

cc: Counsel of Record (w/ limited enclosures)  
NDNY file  
US Probation Office - Syracuse, NY (w/ limited enclosures)  
US Probation Office - San Diego, CA (w/ limited enclosures)  
AUSA - Syracuse, NY (w/ limited enclosures)  
AUSA - San Diego, CA (w/ limited enclosures)

ORIGINAL

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Tran. Court) 5:04CR00254-002	
TRANSFER OF JURISDICTION		DOCKET NUMBER (Rec. Court)	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:  David Schulken  Carlsbad, California	DISTRICT  NORTHERN DISTRICT OF NEW YORK	DIVISION  U.S. Probation - Syracuse	
	NAME OF SENTENCING JUDGE  Norman A. Mordue		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM 5/2/08	TO 5/1/11
OFFENSE  21 U.S.C. § 846 Conspiracy to Distribute Marijuana			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE "NORTHERN DISTRICT OF NEW YORK"			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the SOUTHERN DISTRICT OF CALIFORNIA upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
<div style="display: flex; justify-content: space-between;"><div><u>May 29, 2008</u> Date</div><div><u>Norman A. Mordue</u> Chief United States District Judge</div></div>			
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<div style="display: flex; justify-content: space-between;"><div><u>7/11/08</u> Effective Date</div><div><u>James E. Gonzalez</u> United States District Judge</div></div>			

AO 245B NNY (Rev. 10/05) Judgment in a Criminal Case  
Sheet 1

## UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

V.

David Schulken

Case Number: 5:04CR00254-002

USM Number: 91437-198

Paula Notari

105 West F Street, Suite 300

San Diego, California 92101

(619) 239-1199

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment on March 29, 2005.☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 846	Conspiracy to Distribute Marijuana	8/2002	1

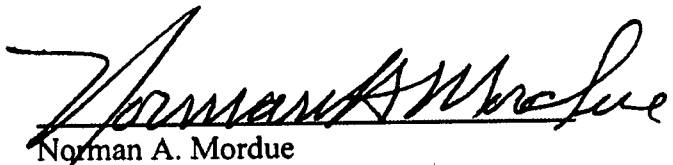
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 28, 2005

Date of Imposition of Judgment

  
 Norman A. Mordue  
 U.S. District Judge

ECF DOCUMENT  
 I certify that this is a printed  
 copy of a document which was  
 electronically filed with the  
 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF NEW YORK.  
 LAWRENCE K. BAERMAN, CLERK  
 Dated: 7/22/08  
 By: [Signature] Deputy Clerk

December 28, 2005  
Date

HPW

AO 245B NNY(Rev. 10/05) Judgment in a Criminal Case  
Sheet 2 — Imprisonment

Judgment — Page 2 of 6

DEFENDANT: David Schulken  
CASE NUMBER: 5:04CR00254-002

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**27 months.**

X The court makes the following recommendations to the Bureau of Prisons:

**The Court recommends the defendant participate in drug treatment while in the Bureau of Prisons, but not the Comprehensive Residential Drug Treatment Program. The Court also recommends the defendant be designated to a facility as close to his home in Carlsbad, California as possible.**

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: David Schulken  
CASE NUMBER: 5:04CR00254-002

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

**3 years.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Deselect, if inapplicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

DEFENDANT: David Schulken  
CASE NUMBER: 5:04CR00254-002

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall participate in a program for substance abuse which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment. The program shall be approved by the United States Probation Office.
2. The defendant shall contribute to the cost of any evaluation, testing, treatment and/or monitoring services rendered in an amount to be determined by the probation officer based on the defendant's ability to pay and the availability of third party payments.
3. The defendant shall refrain from the use of alcohol while in treatment and for the remainder of the term of supervision following completion of treatment.
4. The defendant shall provide the probation officer with access to any requested financial information.

### **DEFENDANT'S ACKNOWLEDGMENT OF APPLICABLE CONDITIONS OF SUPERVISION**

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

The conditions of supervision have been read to me. I fully understand the conditions and have been provided a copy of them.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

AO 245B NNY(Rev. 10/05) Judgment in a Criminal Case  
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 5 of 6

DEFENDANT: David Schulken  
CASE NUMBER: 5:04CR00254-002

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$ Waived	\$ N/A

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

<b>TOTALS</b>	\$ _____	\$ _____
---------------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B NNY (Rev. 10/05) Judgment in a Criminal Case  
Sheet 6 — Schedule of Payments

Judgment — Page 6 of 6

DEFENDANT: David Schulken  
CASE NUMBER: 5:04CR00254-002

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ In full immediately; or
- B ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ D, ☐ E, ☐ F, or ☐ G below; or
- C ☐ Payment to begin immediately (may be combined with ☐ D, ☐ E, or ☐ G below); or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- E ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- F ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- G ☐ Special instructions regarding the payment of criminal monetary penalties:

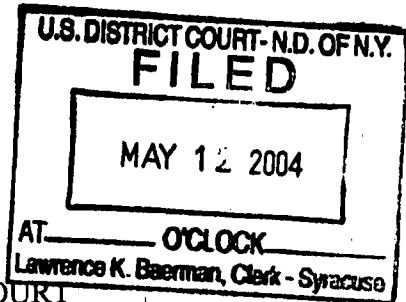
Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **Lawrence K. Baerman, Clerk, U.S. District Court, Federal Bldg., P.O. Box 7367, 100 S. Clinton Street, Syracuse, N.Y. 13261-7367**, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved if and when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
- ☐ Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.





IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

\*\*\*\*\*

UNITED STATES OF AMERICA

v.

CHRISTOPHER McKAY, and  
DAVID SCHULKEN

Defendants.

\*\*\*\*\*

Criminal Action No.

04-CR-254 NAM

INDICTMENT

Vio: 21 U.S.C. §§ 841(a)(1);  
(b)(1)(B) and 846

THE GRAND JURY ALLEGES:

COUNT ONE

Beginning no later January 2001, and continuing until at least August 2002, in Oneida County, in the Northern District of New York, and elsewhere, the defendants,

**CHRISTOPHER McKAY and  
DAVID SCHULKEN**

did knowingly and intentionally combine, conspire, confederate, and agree together with each other and with others known and unknown to possess with intent to distribute and distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).  
All in violation of Title 21, United States Code, Section 846.

**E C F DOCUMENT**  
I certify that this is a printed copy of a document which was electronically filed with the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK. LAWRENCE K. BAERMAN, CLERK  
Dated: 7/22/08  
By: [Signature] Deputy Clerk

The quantity of marijuana involved exceeded one hundred (100) kilograms, subjecting the defendants to the penalty provisions of Title 21, United States Code, Section 841(b)(1)(B).

**THE GRAND JURY FURTHER ALLEGES:**

**PRIOR DRUG FELONY CONVICTION**

1. Count 1 is incorporated by reference.
2. Defendant CHRISTOPHER McKAY has a prior final conviction for a felony drug offense, in that, on or about July 7, 2000, in Salinas County, California, he was convicted of criminal possession of marijuana for sale, in violation of California Penal Law, and, on or about December 21, 2000, was sentenced to a term of ninety (90) days incarceration followed by thirty-six (36) months probation, which conviction affects the penalty provisions of Title 21, United States Code, Section 841(b)(1) which applies to Count 1 as to defendant CHRISTOPHER McKAY.

Dated: 5/12/04

A TRUE BILL,

  
Foreperson

GLENN T. SUDDABY  
United States Attorney

By: Carl G. Eurenium

Carl G. Eurenium  
Assistant U.S. Attorney  
Bar Roll No. 511746

CLOSED

**U.S. District Court  
Northern District of New York - Main Office (Syracuse) [LIVE - Version  
3.2.1] (Syracuse)  
CRIMINAL DOCKET FOR CASE #: 5:04-cr-00254-NAM-2  
Internal Use Only**

Case title: USA v. McKay et al

Date Filed: 05/12/2004

Date Terminated: 12/28/2005

Assigned to: Chief Judge Norman  
A. Mordue

**Defendant (2)**

**David Schulken**

*TERMINATED: 12/28/2005*

represented by **Paula J. Notari**

Office of Paula J. Notari  
105 West F. Street  
Suite 303

San Diego, CA 92101

619-808-7980

Fax: 619-236-8820

Email: paulanotari@aol.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: Retained*

**U.S.D.C. FOR THE NORTHERN DISTRICT OF NEW YORK**  
I, the undersigned Clerk of the Court, do hereby certify that this  
is a true, correct and full copy of the original document on file in  
my custody.

# of pages (text) 8 ; # of pages including (exhibits) 8  
Dated 7/22/08 Lawrence K. Baerman, Clerk  
by [Signature] Deputy Clerk.

**Pending Counts**

CONSPIRACY TO  
DISTRIBUTE CONTROLLED  
SUBSTANCE - on or about  
January 2001, and continuing  
until August 2002, the defts did  
knowingly and intentionally  
combine & conspire with each  
other and with others known and  
unknown to possess with intent to  
distribute marijuana.

**Disposition**

[30] motion to withdraw plea is  
denied; Deft. imprisoned for 27  
months; Judge recommends  
participation in a drug treatment  
program; Judge recommends deft.  
be placed in facility close to  
home; Deft. to serve 36 months of  
Supervised Release with  
conditions; No fine imposed;  
Appeal rights explained; Deft.

(1)

remanded to USM

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

USA

represented by **Carl G. Eurenus**  
Office of the United States  
Attorney - Syracuse  
P.O. Box 7198  
100 South Clinton Street  
Syracuse, NY 13261-7198  
315-448-0663  
Fax: 315-448-0658  
Email: carl.eurenus@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Terrence M. Kelly**  
Office of United States Attorney -  
Albany  
445 Broadway  
218 James T. Foley U.S.  
Courthouse  
Albany, NY 12207-2924  
518-431-0247  
Fax: 518-431-0249  
Email: Terrence.Kelly@usdoj.gov

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/12/2004	<u>1</u>	INDICTMENT as to Christopher McKay (1) count(s) 1, David Schulken (2) count(s) 1. (mnm) (Entered: 05/13/2004)
05/12/2004		Summons Issued as to Christopher McKay, David Schulken; defts are to contact AUSA Sherri in San Diego, CA (SDCA) (mnm) (Entered: 05/13/2004)
06/09/2004	<u>4</u>	Order of Transfer/Return to Southern District of California. Counts closed as to David Schulken (2) Count 1. (kcl, ) (Entered: 06/09/2004)
06/17/2004	<u>5</u>	Certified Mail receipt returned as to Christopher McKay, David Schulken re 3 Rule 20 transfer Out, 4 Rule 20 transfer Out from the Southern District of California (kcl, ) (Entered: 06/17/2004)
08/11/2004	<u>6</u>	ORDER APPROVING WAIVER OF ARRAIGNMENT as to David Schulken; Clerk to enter plea of not guilty as to deft. Signed by Judge Gustave J. DiBianco on 8/9/04. (kcl, ) (Entered: 08/11/2004)
08/11/2004		Plea entered by David Schulken Not Guilty on counts 1. (kcl, ) (Entered: 08/11/2004)
08/12/2004		Per CRD for Judge DiBianco, Deft. Schulken has decided not to plead in the district of California. The District of California ordered Deft. to appear in this district before Judge DiBianco on 8/19/04 at 3:00 p.m.. This appearance has been cancelled. Atty. Notari will be representing this Deft. and has submitted a waiver of arraignment form. Atty. Notari and Gov't. are working on a stipulation to waive speedy trial. Deft. is sched. to be sentenced in CA in October and wants to wait until after sentencing to appear in this district. CRD for Judge Mordue advised to issue a scheduling order in this case, even though PTS has not interviewed the Deft.. (sal, ) (Entered: 08/12/2004)
08/12/2004		xxxxx Case reopened; Deft. Schulken decided not to plead in District of California (kcl, ) (Entered: 08/12/2004)
08/12/2004	<u>7</u>	WAIVER of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by David Schulken (kcl, ) (Entered: 08/12/2004)

		08/12/2004)
08/12/2004	<u>8</u>	CRIMINAL PRETRIAL SCHEDULING ORDER as to David Schulken Motions to be filed by 9/7/2004. Jury Trial set for 10/12/2004 09:30 AM in Syracuse before Judge Norman A. Mordue.. Signed by Judge Gustave J. DiBianco on 8/9/04. (kcl, ) (Entered: 08/12/2004)
08/16/2004	<u>9</u>	Return of Rule 20(c) as to David Schulken for Failure to Plead. (see) (Entered: 08/17/2004)
10/12/2004		NOTICE OF HEARING as to David Schulken. Change of Plea Hearing set for 12/2/2004 at 2:00 PM in Syracuse before Judge Norman A. Mordue. (jlm) (Entered: 10/12/2004)
10/14/2004	<u>10</u>	ORDER TO CONTINUE - Ends of Justice as to David Schulken Time excluded from 10/14/04 until 12/14/04. Jury Trial set for 12/13/2004 09:30 AM in Syracuse before Judge Norman A. Mordue. Motions to be filed by 11/7/2004 and be made returnable 12/1/04; Signed by Judge Norman A. Mordue on 10/14/04. (kcl, ) (Entered: 10/15/2004)
12/01/2004	<u>11</u>	ORDER TO CONTINUE - Ends of Justice as to David Schulken Time excluded from 12/1/04 until 1/16/05. Change of Plea Hearing set for 1/3/2005 09:30 AM in Syracuse before Judge Norman A. Mordue. Jury Trial set for 1/10/2005 09:30 AM in Syracuse before Judge Norman A. Mordue. Motions to be filed by 12/7/2004 and shall be made returnable 1/5/05.. Signed by Judge Norman A. Mordue on 12/1/04. (kcl, ) (Entered: 12/03/2004)
01/24/2005	<u>12</u>	ORDER TO CONTINUE - Ends of Justice as to David Schulken Time excluded from 1/24/05 until 3/10/05. Change of Plea Hearing has been set for 2/8/2005 02:00 PM in Syracuse before Judge Norman A. Mordue or in alternative Jury Trial to be set for 3/7/2005 in Syracuse before Judge Norman A. Mordue. Motions to be filed by 2/2/2005 and be made returnable 3/2/05.. Signed by Judge Norman A. Mordue on 1/24/05. (kcl, ) (Entered: 01/25/2005)
02/02/2005		TEXT NOTICE by David Schulken adjourning the 2/8/05 change of plea until defendant arrives in this District. The Court will reschedule upon notice of defendant arrival. (jlm) (Entered: 02/02/2005)
02/25/2005		TEXT NOTICE OF HEARING as to David Schulken. The

		Change of Plea Hearing has been reset for 3/17/2005 2:00 PM in Syracuse before Judge Norman A. Mordue. (jlm) (Entered: 02/25/2005)
02/25/2005		Attorney Paula Notari notified by telephone as to the change of plea hearing set for 3/17/05 at 2:00 pm in Syracuse as to David Schulken. Attorney to send admission papers today (jlm) (Entered: 02/25/2005)
03/01/2005	<u>13</u>	Letter from Paula J. Notari, Esq., on behalf of David Schulken requesting an adjournment of the date for entry of guilty plea. (Request granted, text order issued.) (jmb) (Entered: 03/04/2005)
03/03/2005		TEXT NOTICE OF HEARING as to David Schulken. At the request of defense counsel and with consent of AUSA Eurenus, the Change of Plea Hearing has been reset for 3/29/2005 at 2:00 PM in Syracuse before Judge Norman A. Mordue. (jlm) (Entered: 03/03/2005)
03/11/2005	<u>14</u>	MOTION for Limited Admission Pro Hac Vice of Paula J. Notari as to David Schulken. (jmb) (Entered: 03/15/2005)
03/11/2005		Added Attorney Paula J. Notari as to David Schulken. (jmb) (Entered: 03/15/2005)
03/11/2005	<u>15</u>	ORDER : granting <u>14</u> Motion for Limited Admission Pro Hac Vice for Paula J. Notari, Esq., as to David Schulken (2). Signed by Judge Norman A. Mordue on 3/11/05. (jmb) (Entered: 03/15/2005)
03/16/2005		TEXT NOTICE OF HEARING as to David Schulken. The Court has changed the change of plea hearing time from 2:00 pm to 4:30 pm. The Change of Plea Hearing is set for 3/29/2005 at 4:30 PM in Syracuse before Judge Norman A. Mordue. (jlm) (Entered: 03/16/2005)
03/24/2005		TEXT NOTICE OF HEARING as to David Schulken. The Change of Plea Hearing is reset for 3/29/2005 at 3:00 PM in Syracuse before Judge Norman A. Mordue. (jlm) (Entered: 03/24/2005)
03/29/2005	<u>16</u>	Minute Entry for Change of Plea Hearing as to David Schulken held on 3/29/2005 before Judge Norman A. Mordue, APPR: Carl Eurenus, AUSA; Paula Notari, Esq for deft. Plea entered by David Schulken (2) of Guilty to Count 1. Judge Mordue ORDERS Expedited Presentence Investigation from Probation. [3:15-3:40] (Court Reporter Eileen McDonough) (jlm) (Entered: 03/29/2005)



		03/29/2005)
03/29/2005	17	PLEA AGREEMENT as to David Schulken (jlm) (Entered: 03/29/2005)
03/29/2005	<u>18</u>	GUIDELINE ORDER as to David Schulken Sentencing set for 8/2/2005 11:00 AM in Syracuse before Judge Norman A. Mordue.. Signed by Judge Norman A. Mordue on 3/29/05. (kcl, ) (Entered: 03/30/2005)
05/16/2005		CLERK'S CORRECTION OF DOCKET ENTRY; Clerk deleted docket #19 (Notice of Appearance), as it was filed in the wrong case. Document to be filed in correct case by AUSA. (wjg, ) (Entered: 05/16/2005)
07/29/2005	<u>19</u>	Letter from Attorney from Defendant Schulken for David Schulken requesting Continuance of the sentencing date (Notari, Paula) (Entered: 07/29/2005)
07/29/2005	<u>20</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by David Schulken <i>and Notice of intent to file Downward Departures</i> (Notari, Paula) (Entered: 07/29/2005)
08/01/2005		TEXT NOTICE OF HEARING as to David Schulken. At the request of defense counsel, the Sentencing has been reset for 10/3/2005 at 10:00 AM in Syracuse before Judge Norman A. Mordue. All sentencing memoranda shall be filed on or before September 19, 2005.(jlm) (Entered: 08/01/2005)
08/02/2005	21	SEALED DOCUMENT - maintained in Clerk's Office and not available for electronic viewing (Sentencing memo) (kcl, ) (Entered: 08/03/2005)
08/02/2005	22	Order to Seal Document 21 . Signed by Judge Norman A. Mordue on 8/2/05. (kcl, ) (Entered: 08/03/2005)
09/20/2005	23	SEALED SENTENCING MEMORANDUM as to David Schulken (kcl, ) (Entered: 09/21/2005)
09/20/2005	24	Order to Seal Document 23 . Signed by Judge Norman A. Mordue on 9/20/05. (kcl, ) (Entered: 09/21/2005)
09/27/2005	<u>25</u>	Letter from Attorney for Defendant David Schulken for David Schulken requesting continuance of the sentencing date in the interests of justice. (Notari, Paula) (Entered: 09/27/2005)
09/28/2005		TEXT ORDER as to David Schulken Granting the <u>25</u> Letter Request filed by Paula Notari, Esq for David Schulken to adjourn



		the sentencing for six weeks. Sentencing has been reset for 11/21/2005 at 11:00 AM in Syracuse before Judge Norman A. Mordue. The Court will not entertain any more adjournments or changes to the date and time without good cause shown. Endorsed by Judge Norman A. Mordue on 9/28/05. (jlm) (Entered: 09/28/2005)
11/10/2005	<u>26</u>	Letter from Paula Notari, Attorney for David Schulken for David Schulken requesting Continuance of the sentencing date in the interests of justice. (Notari, Paula) (Entered: 11/10/2005)
11/15/2005		TEXT ORDER as to David Schulken Granting the <u>26</u> Letter Request filed by Paula Notari, Esq for David Schulken. Sentencing is reset for 12/28/2005 at 10:00 AM in Syracuse before Judge Norman A. Mordue. Endorsed by Judge Norman A. Mordue on 11/15/05. (jlm) (Entered: 11/15/2005)
12/06/2005	<u>27</u>	Letter from Defense Counsel for Defendant David Schulken for David Schulken requesting to Continue Sentencing Hearing in the Interests of Justice (Notari, Paula) (Entered: 12/06/2005)
12/09/2005		TEXT ORDER Denying the <u>27</u> Letter Request filed by Paula Notari, Esq for David Schulken, to adjourn the sentencing. Endorsed by Judge Norman A. Mordue on 12/9/05. The sentencing remains scheduled for 12/28/05 at 10:00 am. (jlm) (Entered: 12/09/2005)
12/14/2005	<u>29</u>	Order to Seal Document 28 as to David Schulken. . Signed by Judge Norman A. Mordue on 12/14/05. (kcl, ) (Entered: 12/16/2005)
12/16/2005	<u>28</u>	SEALED SENTENCING MEMORANDUM by USA as to David Schulken (kcl, ) (Entered: 12/16/2005)
12/27/2005	<u>30</u>	MOTION to Continue <i>Sentencing</i> by David Schulken. (Notari, Paula) (Entered: 12/27/2005)
12/28/2005	<u>31</u>	Minute Entry for proceedings held before Judge Norman A. Mordue :Sentencing held on 12/28/2005 for David Schulken (2), Count(s) 1, <u>30</u> motion to withdraw plea is denied; Deft. imprisoned for 27 months; Judge recommends participation in a drug treatment program; Judge recommends deft. be placed in facility close to home; Deft. to serve 36 months of Supervised Release with conditions; No fine imposed; Appeal rights explained; Deft. remanded to USM. (Court Reporter Khris Sellin) (kcl, ) (Entered: 12/28/2005)

12/28/2005	<u>32</u>	JUDGMENT as to David Schulken (2), Count(s) 1, <u>30</u> motion to withdraw plea is denied; Deft. imprisoned for 27 months; Judge recommends participation in a drug treatment program; Judge recommends deft. be placed in facility close to home; Deft. to serve 36 months of Supervised Release with conditions; No fine imposed; Appeal rights explained; Deft. remanded to USM . Signed by Judge Norman A. Mordue on 12/28/05. (kcl, ) (Entered: 12/29/2005)
03/29/2006	<u>33</u>	TRANSCRIPT REQUEST <i>one copy of Sentencing Hearing</i> by David Schulken for proceedings held on December 28, 2005 before Judge Norman A. Mordue. (Attachments: # <u>1</u> Supplement Request for Transcript form# <u>2</u> Supplement A) Form 435) (Notari, Paula) (Entered: 03/29/2006)
04/05/2006	<u>34</u>	RECORD of Proceedings as to David Schulken: Sentencing held on 12/28/05 before Judge Mordue. Court Reporter: Khristine D. Sellin. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Redact with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at <a href="http://www.nynd.uscourts.gov">www.nynd.uscourts.gov</a> . Read this policy carefully. If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal data identifiers is not necessary and the transcript will be made available on the web. Notice of Intent to Redact due by 4/12/2006 (kds, ) (Entered: 04/05/2006)
04/13/2006	<u>35</u>	TRANSCRIPT of Proceedings as to David Schulken: Sentencing held on 12/28/05 before Judge Mordue, Court Reporter: Khristine D. Sellin. (kds) (Entered: 04/13/2006)
07/22/2008	<u>36</u>	Supervised Release Jurisdiction Transferred to Southern District of California as to David Schulken. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (lmw) (Entered: 07/22/2008)
07/22/2008	<u>37</u>	Transfer letter as to David Schulken regarding the # <u>36</u> Transfer of Jurisdiction to the Southern District of California." (lmw) (Entered: 07/22/2008)